

**Addendum to Renewable Energy Incentive Program for Residential and Small  
Commercial Customers Program Guidelines  
Treatment of Confidential and proprietary information.  
January 6, 2004**

- 1) Procedures. Failure to follow proper procedures may result in a delay in reviewing the application. All information is presumed to be non-confidential unless explicitly labeled confidential/proprietary. It is the Fund's belief that the overwhelming majority of information that may be submitted to the Fund will not be accorded Proprietary or Confidential treatment. Careful consideration should be given before confidential and proprietary information is submitted to the Fund in connection with a proposal or other form of submittal. The applicant should determine whether the information is critical for evaluating a proposal, or whether general, non-confidential information, may be adequate for review purposes.
- 2) Information of a commercially sensitive nature, as defined in Section 38-2-24(4)(B) of the Rhode Island General Law, (namely, trade secrets and commercial or financial information...which is of a privileged or confidential nature) shall be submitted under the following procedure. Information submitted to the Fund that the applicant wishes to have treated as proprietary, and confidential trade secret information must be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. Only hard-copy information can be treated as proprietary or confidential. This information must include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted. Further instructions regarding confidential information are:
  - a) Copies of submittals containing sensitive information should be numbered (1 of n; 2 of n, etc., where n is the total number submitted), bound in order to prevent photocopying and provided in sealed envelopes, clearly marked with reference to associated submission and submitter, and labeled "Confidential" or "Proprietary",
  - b) Transfer or discussions of confidential information should not be conducted via e-mail,
  - c) Applicants should submit only the number of copies required to give each reviewer an original,
- 3) The State Energy Office reserves the right to have its counsel make a determination as to whether the information submitted will be accorded special treatment. Any information that has been submitted with a request for Confidential or Proprietary treatment, and for which such treatment is not approved, will be returned to the submitter. The submitter may then decide whether to resubmit the information without protection as Confidential or Proprietary, or have their submission evaluated without information that may or may not be essential to favorable review by the Fund.
- 4) The State Energy Office will make every effort to return copies after the review is completed upon request, and
- 5) The State Energy Office will include these instructions with the instructions for responding to RFPs and programs as appropriate.
- 6) The State Energy Office will no longer be bound to treat information submitted as Confidential or Proprietary as such if such information:
  - a) is already rightfully in possession of the Recipient (the State Energy Office, its consultants or Advisory Board members) free of any obligation of confidentiality when communicated to the Recipient;
  - b) was rightfully communicated to the Recipient from a third party who has a right to disclose such information, free of any obligation of confidentiality, after the communication to the Recipient by the party seeking protection of such material as proprietary and confidential;

- c) is now or becomes a part of the public domain other than by or through the fault of Recipient; or
  - d) was developed by employees or agents of the Recipient independently of and without reference to any confidential information disclosed in confidence to the Recipient through Recipient's relationship with the Fund.
- 7) Advisory Board members and consultants to the Fund will be bound by non-disclosure agreements (NDA) developed or approved by the Fund's counsel pertaining to their review of information designated as proprietary and confidential by the State Energy Office and will use best efforts to prevent disclosure of such material.

**Special instructions for this program:**

Registrants may not mark the entire registration form as confidential and proprietary. Rather, if registrant seeks confidential or proprietary treatment for any specific information (e.g. pricing and content for GreenUp program offerings submitted for approval prior to times at which such information would be made public by Narragansett Electric or others ), only that information should be identified separately. The appropriate lines in the Registration Form should clearly refer reviewers to the bound confidential/proprietary packet. Registrants seeking Proprietary or Confidential treatment of information under this program must submit 6 numbered copies for review. Applications for distribution of incentive payments will not be accorded treatment as confidential and proprietary information.